

" action observed March 29, 1995"

AGENDA ITEM  
BREMERTON PLANNING COMMISSION

**PUBLIC HEARING:**

FOR AGENDA OF: July 18, 1995  
ORIGINATOR: Jack Allingham  
COMMISSION CHAIR: Richard Goetze

**1. SUBJECT:**

Appeal: Cease and Desist Order - May 16, 1995

Appellant: William Sesko

Violation:

I. The following development activities conducted without a shoreline substantial development permit (Chapter 7 (A), Bremerton Shoreline Master Program (BSMP)):

1. Shore modification:

- A. Clearing (vegetation removal);
- B. Grading and Drainage (The physical manipulation of the earths surface and the resultant drainage pattern of surface movement of water across the land as a result of the construction of a ramp for tractor mounted crane);
- C. Bulkheads and Seawalls (Construction of concrete retaining wall at/or beyond the ordinary high water mark and above the ordinary high water mark);

II. Commercial and Industrial activities (business activities including junk yard land use and use of tractor mounted crane for the placement and removal of objects from Port Washington Narrows) in violation of the Master Program commercial and industrial development for the property (BSMP Chapter 7 (A))

Location:

Janet - Please make  
sure this gets in  
Sesko's file -  
Pennsylvania St.

the northern terminus end of  
the Port Washington Narrows  
tax Parcel No.: 3741-000-022-

3/4/97

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- C. Bulkheads and Seawalls (Construction of concrete retaining wall at/or beyond the ordinary high water mark and above the ordinary high water mark);

II. Commercial and Industrial activities (business activities including junk yard land use and use of tractor mounted crane for the placement and removal of objects from Port Washington Narrows) in violation of the Master Program commercial and industrial development for the property (BSMP Chapter 3 E).

Location:

Adjacent to and west of the northern terminus end of Pennsylvania Avenue at The Port Washington Narrows (Kitsap County Assessor's Tax Parcel No.: 3741-000-022-0101) Bremerton, WA

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**2. SUMMARY STATEMENT & REQUIREMENT FOR COMMISSION ACTION:**

The State Shoreline Management Act (SMA) (RCW.90.58) and the Bremerton Shoreline Master Program defines "Substantial Development" as:

Any development of which the total cost or fair market value, whichever is higher, exceeds two thousand five hundred dollars (\$2,500.00), or any development which materially interferes with the normal public use of the water or shorelines of the state.

A shoreline substantial development permit is required for all substantial development occurring within the state's shorelines before development is undertaken.

This process mandates a public notification having a 30-day comment period, prior to consideration of the application.

Construction of the proposed project is not authorized until thirty days have lapsed from the date the final decision was received by the Department of Ecology, or until any appeal procedures have been completed.

William Sesko has been undertaking substantial development as defined by the SMA on his property located at the end of Pennsylvania Avenue. Specifically, he has cleared substantial vegetation, graded the shoreline embankment to create a ramp for a tractor mounted crane. This activity has occurred without any public disclosure of plan or approved erosion control measures. He has also constructed a bulkhead at or beyond the ordinary high water mark out of concrete rubble. The crane is being used to place into and remove objects from the water.

A Cease and Desist Order was issued by the director of Community Development on March 16, 1995 subject to the following conditions:

**Terms of compliance:**

1. Cease commercial activity and remove materials constituting Junk Yard Use as per Cease and Desist Order dated February 2, 1995. Cease use and remove tractor mounted crane.
2. Provide temporary erosion control which may include but not be limited to the use of straw bales and silt fences.
3. Stabilize exposed soils using best management practice including but not limited to temporary covering with plastic sheeting; planting grasses, shrubs and trees.

When hearing an appeal, the Planning Commission may take any of the following actions:

1. Uphold the Director's decision.
2. Modify the decision in whole or part.
3. Overturn the decision.
4. Remand the decision back to the Director for further consideration. (The Planning Commission should include specific issues to be considered)

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3. ATTACHMENTS:

- I. Letter of Appeal
- II. Cease and Desist Order

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4. RECOMMENDATION:

Uphold the Cease and Desist Order of the Director of Community Development.

Recommended Motion:

I move that the Bremerton Planning Commission uphold the Cease and Desist Order of the Director of Community Development.

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5. IMPACT OF NON-PASSAGE:

If the Director's decision is overturned, the violations of the Bremerton Shoreline Master Program and the State Shoreline Management Act will continue.

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6. IMPACT ON STAFFING, BUDGETS, FACILITIES, EQUIPMENT OR OTHER RESOURCES:

Additional staff resource will be required to continue enforcement of applicable shoreline regulations.

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APPEAL-08-95

RECEIVED

CITY OF BREMERTON  
APPEAL OF ADMINISTRATIVE DECISION

MAY 30 1995

APPEAL OF: WILLIAM J. SESKO Appellant  
(Your Name)

3536 ARSENAL WAY, BREMERTON, 98312  
(Your Mailing Address)

377-0697  
(Telephone Number)

ITEM BEING APPEALED: CEASE & DESIST ORDER  
AT 1701 PENNSYLVANIA AVE, MAY 16, 95.  
Please provide a brief statement regarding your legal interest in  
the action being appealed. Use additional pages if necessary.

NATACMA & I OWN THE PROPERTY

Please provide a brief statement of the specific order or action  
protested, together with material facts claimed to support your  
contentions. Use additional pages if necessary.

SHORE MODIFICATION, COMMERCIAL AND

INDUSTRIAL ACTIVITIES COMPLY WITH

BSMP

Please provide a brief statement of the relief sought and the  
reasons why the Administrative Decision action should be reversed,  
modified or otherwise set aside. Use additional pages if  
necessary. SEE PAGE 2

DATE: MAY 30, 95

William J. Sesko  
Appellant's Signature

FEE: 37.00  
\$30.00 (Due with Letter of Appeal)

Appeals will be scheduled to be heard before the Bremerton Planning  
Commission as soon as possible, allowing for adequate preparation  
and notice. You will receive written notification of the  
Commission hearing date mailed to your address given above. The  
Planning Commission decision is the final legislative decision.



ORDER SHOULD BE SET ASIDE.

ENFORCEMENT DOES NOT CONFORM  
WITH CHAPTER 7 (F) OF OSMP.

1. CITY ATTORNEY SHALL BRING ACTION.
2. ORDER SHALL CONTAIN TIME OF  
VIOLATION, DAMAGE OR  
POTENTIAL DAMAGE.

CEASE & DESIST ORDER OF FEB 2, 95 IS  
UNDER APPEAL; COMPLIANCE OF THE  
FEB 2, 95 ORDER BY THIS ORDER  
ISN'T CORRECT.



## CEASE AND DESIST ORDER

Pursuant to Bremerton Shoreline Master Program (BSMP), Chapter 7 (F) Enforcement and Penalties (Ordinance No. 4183, 4365), William Sesko, owner of the property located at the northern terminus end of Pennsylvania Avenue at The Port Washington Narrows (Kitsap County Assessor's Tax Parcel No.: 3741-000-022-0101) Bremerton, WA is hereby ordered to immediately discontinue the illegal activities identified herein.

I. The following development activities conducted without a shoreline substantial development permit (Chapter 7 (A), BSMP):

1. Shore modification:

- A. Clearing (vegetation removal);
- B. Grading and Drainage (The physical manipulation of the earth's surface and the resultant drainage pattern of surface movement of water across the land as a result of the construction of a ramp for tractor mounted crane);
- C. Bulkheads and Seawalls (Construction of concrete retaining wall at/or beyond the ordinary high water mark and above the ordinary high water mark);

II. Commercial and Industrial activities (business activities including junk yard land use and use of tractor mounted crane for the placement and removal of objects from Port Washington Narrows) in violation of the Master Program commercial and industrial development for the property (BSMP Chapter 3 E).

Date and time violation was observed: March 29, 1995, 10:00 AM

Effective date: This Cease and Desist Order shall become effective immediately upon receipt by the person to whom the Order is directed. Date order was posted: May 16, 1995

Terms of compliance:

- 1. Cease commercial activity and remove materials constituting Junk Yard Use as per Cease and Desist Order dated February 2, 1995. Cease use and remove tractor mounted crane.
- 2. Provide temporary erosion control which may include but not be limited to the use of straw bales and silt fences.
- 3. Stabilize exposed soils using best management practice including but not limited to temporary covering with plastic sheeting, planting grasses, shrubs and trees.

Appeal: An appeal of the Order or compliance with order must be achieved May 30, 1995.



Compliance: Failure to comply with the terms of a Cease and Desist Order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

*Donald L. Pratt*

DONALD L. PRATT  
Director of Community Development

*May 16, 1995*

Date